

#7

Patent  
Attorney Docket No. 64118.000192

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	
	)	
TEITELBAUM <i>et al.</i> :	)	Group Art Unit: Unassigned
	)	
Serial No.: 10/534,055	)	Examiner: Unassigned
	)	
Filed: May 6, 2005	)	
	)	

Title: TRANSPEDICULAR INTERVERTEBRAL  
DISK ACCESS METHODS AND DEVICES

**PETITION UNDER 37 C.F.R. § 1.47(a)**

**MAIL STOP PETITION**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

11/29/2005 LLANDGRA 00000051 10534055

03 FC:1464 Sir: 130.00 OP

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed the enclosed Declaration.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed, at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

Medtronic Sofamor Danek intellectual property is assigned. Mr. Nguyen was employed by Vertelink Corporation which was acquired by Medtronic Sofamor Danek.

In support of this petition, Applicants have enclosed:

- (1) A Declaration bearing the executed signatures of George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson;
- (2) A check for \$130.00 in accordance with 37 C.F.R. §1.17(h); and
- (3) A Declaration presenting facts relating to unsuccessful attempts to obtain the signature from the nonsigning inventor.

**(A) Declaration by Joint Inventors**

Inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have each made a declaration on their own behalf. MPEP 409.03(a)(A)(1). Because these inventors duly executed the Declaration in support of this application, the Declaration is filed in the names of those inventors on behalf of the remaining nonsigning inventor and on behalf of the entity to whom all inventors owe a duty of assignment, Medtronic Sofamor Danek. See MPEP 409.03(a)(A)(2) and 37 CFR 1.47(a).

**(B) Proof of Unavailability to Sign**

Applicants have enclosed the declaration of Yisun Song, Esq. containing relevant facts from which Applicants reasonably conclude that: (1) Applicants have made *bona fide* attempts to locate and obtain the signature of the nonsigning inventor and (2) nonsigning inventor Frank

Nguyen is unavailable. Also attached as Attachment A to the declaration of Yisun Song, Esq. is the declaration of Sabrina Chambers detailing relevant facts in connection with the same unavailable inventor in a related pending application, U.S. Patent Application Serial No. 10/999,216.

**(C) Last Known Addresses of Non-Signing Inventor**

Applicants were last aware of two addresses for Frank Nguyen. The first last known address for Mr. Nguyen is: 1995 E. Coalton Road, #77-203, Superior, CO 80027. The second last known address for Mr. Nguyen is 458 Sable, Rancho Santa Margarita, CA 92688.

**(D) Facts Surrounding Unavailability to Sign**

As detailed in the accompanying materials, Applicants and the entity to whom a duty of assignment is owed have made repeated, ongoing and diligent attempts to obtain the papers for completion of this application.

Frank Nguyen is no longer employed by Medtronic Sofamor Danek. Despite repeated requests, the nonsigning inventor has not responded with a signed declaration, as detailed in the accompanying Declaration. This was through no fault of the signing inventors or the entity to which a duty of assignment is owed.

Notwithstanding the unavailability of the nonsigning inventor to sign a Declaration despite diligent attempts to obtain the same, Applicants respectfully request the Commissioner to grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due

course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted,  
HUNTON & WILLIAMS

By: \_\_\_\_\_

Yisun Song  
Registration No. 44,487

Hunton & Williams LLP  
1900 K Street, N.W., Suite 1200  
Washington, D.C. 20006-1109  
Telephone (202) 955-1950  
Facsimile (202) 778-2201

Dated: November 23, 2005

05/09/2006 CSH001 00000000 500206 10534055  
Sale Ref: 00000000 DA#: 500206 10534055  
01 FC:1463 70.00 DA 130.00 DP

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	
	)	
TEITELBAUM <i>et al.</i>	)	Group Art Unit: Unassigned
	)	
Serial No.: 10/534,055	)	Examiner: Unassigned
	)	
Filed: May 6, 2005	)	
	)	

Title: TRANSPEDICULAR INTERVERTEBRAL  
DISK ACCESS METHODS AND DEVICES

**DECLARATION OF YISUN SONG, ESQ.**

I, Yisun Song, state as follows:

1. I am a registered patent attorney (Reg. No. 44,487) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Petition under 37 C.F.R. 1.47 with respect to the above-referenced patent application.

2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005 from the U.S. Patent and Trademark Office with regard to the above-reference patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.

3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with the supporting Exhibits

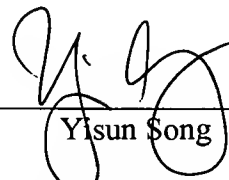
A-J are also attached, as Attachment A. The Rule 47 petition for Frank Nguyen in U.S. Patent Application Serial No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

4. On October 25, 2005, I sent a letter to Frank Nguyen, a copy of which is attached to the Petition as Attachment B. In this letter, I requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter is also attached, as Attachment C.

5. In response to the letter dated October 25, 2005 and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application Serial No. Serial No. 10/999,216, we have not received a signed declaration from Mr. Nguyen.

6. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT:

  
\_\_\_\_\_  
Yisun Song

Date: 11-23-05

**ATTACHMENT A**

**DECLARATION OF SABRINA CHAMBERS**

I, Sabrina Chambers, of Medtronic Sofamor Danek, which is the entity to whom a duty of assignment of the subject application is owed, do attest to the following facts, on information and belief, and as supported by the documentary evidence referenced below as Exhibits A - J, made part of this declaration:

1. As part of my duties and responsibilities, I coordinate filing papers for patent applications filed on behalf of inventors of Medtronic Sofamor Danek.

2. Mr. Frank Nguyen is a former employee of Vertelink Corporation, which was acquired by Medtronic Sofamor Danek in 2003. The employees of Vertelink Corporation became Medtronic Sofamor Danek employees. Mr. Nguyen ceased employment at Medtronic Sofamor Danek around April 2005. According to Vertelink Corporation's records, Mr. Nguyen's last known address was 1995 E. Coalton Road, #77-203, Superior, CO 80027.

3. I conducted an Internet search using [www.whitepages.com](http://www.whitepages.com) to locate Mr. Nguyen, using the first and last name search parameters. I communicated with Mr. David Blurton of Medtronic Sofamor Danek who conducted an investigation to locate Mr. Nguyen. Through these investigative efforts, I obtained a second address for Mr. Nguyen which is 458 Sable, Rancho Santa Margarita, CA 92688. In addition, I discovered a second first name, Viet, for Mr. Nguyen. At least one package was addressed to Viet A. Nguyen, *see Exhibit D*.

4. I attempted to contact Mr. Nguyen by mail using a commercial carrier at the last known address. *See letter of April 4, 2005 Exhibit A*, which included a pre-paid and pre-addressed return envelope. The package label indicates a ship date of April 4, 2005. *See label*



Exhibit B. The package was undeliverable and marked "Return to Sender." See label Exhibit B.

5. I attempted to contact Mr. Nguyen by mail using a commercial carrier at the second address. See letter of July 20, 2005 Exhibit C, which included a pre-addressed return envelope. FedEx label indicates a ship date of July 19, 2005. See label Exhibit D. FedEx tracking report indicates that the package was delivered on July 21, 2005. See FedEx tracking report Exhibit E. The package was shipped back to Medtronic Sofamor Danek on July 22, 2005. See label Exhibit F and FedEx tracking report Exhibit G.

6. Another attempt was made to Mr. Nguyen on July 29, 2005, with substantially the same letter and instructions. FedEx label indicates a ship date of July 29, 2005. See label Exhibit H. However, this package was returned to Medtronic Sofamor Danek on July 29, 2005. See FedEx tracking report Exhibit I and return FedEx tracking report Exhibit J.

7. Medtronic Sofamor Danek has not received any return correspondence from Mr. Nguyen as a result of these mailings.

8. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT:

Sabrina Chambers

Sabrina Chambers

Date:

8/15/05

Signature:  
Name:  
Address:

Sabrina Chambers

Sabrina Chambers  
MEDTRONIC SOFAMOR DANEK  
1800 Pyramid Place  
Memphis, TN 38132

Date of Execution:

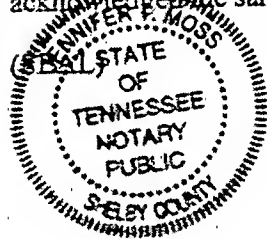
August 15, 2005

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

COUNTY OF Tennessee

STATE OF Shelby ss:

On this 15<sup>th</sup> day of August, 2005, before me a Notary Public in and for the County and State aforesaid, personally appeared Sabrina Chambers to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.



Jennifer F. Moss  
Notary Public

MY COMMISSION EXPIRES:  
May 27, 2009

My commission Expires: \_\_\_\_\_

**EXHIBIT A**



**Medtronic**

Medtronic, Superior, Denver  
1800 Pharmacy Place  
Minneapolis, MN 55412  
www.medtronic.com

tel 800 876 5733

April 4, 2005

VIA FED EX

Mr. Frank Nguyen  
1995 E. Coalton Road, #77-203  
Superior, CO 80027

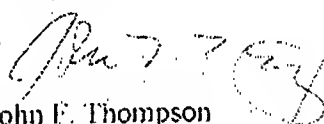
RE: Transpedicular Intervertebral Disc Access Methods and Devices  
Our Ref. No. P21404.07

Dear Frank:

Please find enclosed an Assignment and Declaration that need to be filed with the patent office in the above-styled matter. Please sign the Declaration and Assignment in front of a notary and return them to me in the enclosed Fed Ex envelope.

Thank you for your assistance with this matter. If you have any questions, please feel free to contact me.

Sincerely,

  
John F. Thompson  
Senior Patent Counsel

JFT:smc

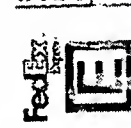
## **EXHIBIT B**

Return to Sender  
**FedEx** Envelope  
 Express

Page 1 of 1  
 ounces

FedEx Ship Manager | Label 7915 9060 4269

From: Diana D. (901) 344-0785  
 Subana Chambers  
 1250 Pyramid Pl  
 Memphis, TN 38132



Ship To: (901) 344-0785  
 Frank Nguyen

1995 E. Coallion Rd.  
 #77-203  
 Superior, CO 80027

Ship From: 01/07/05  
 Actual: 01/11/05  
 Speed: 120066KPH  
 Alt: 5000 ft



Survey Address Not Code

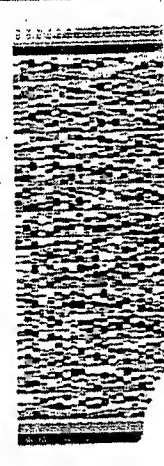
STANDARD OVERNIGHT

1:KE 7915 9060 4269

DEN

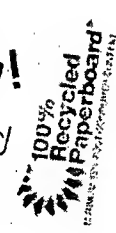
80027 -COUS

XH WHH



15472043  
 REV 10/1/04

MAIL YOUR SURVEY TODAY!  
**REACT** Now!  
 Customer Service Survey  
 Your opinion counts.



## **EXHIBIT C**





Medtronic Sofamor Danek  
10000 North Tustin Avenue  
Irvine, CA 92618  
www.medtronic.com

© 2005 Medtronic, Inc.

July 20, 2005

VIA FED EX

Mr. Frank Nguyen  
458 Sable  
Rancho Santa Margarita, CA 92688

RE: Transpedicular Intervertebral Disc Access Methods and Devices  
Our Ref. No. P21404.07

Dear Mr. Nguyen:

Please find enclosed an Assignment and Declaration that need to be filed with the patent office in the above-styled matter. Please sign the Declaration and Assignment in front of a notary and return them to me in the enclosed Fed Ex envelope.

Thank you for your assistance with this matter. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Thompson".

John F. Thompson  
Senior Patent Counsel

JFT:smc

## **EXHIBIT D**

FedEx | Ship Manager | Label 7900 9052 7944

From: Origin ID: (201)344-1534  
Sabrina Chandrais  
Medtronic  
1800 pyramid place  
Memphis, TN 38132

FedEx  
Express



Ship Date: 19JUL05  
Actual Wgt: 1LB  
System#: 8425488NET200  
Account#: S \*\*\*\*\*

REF: 53043



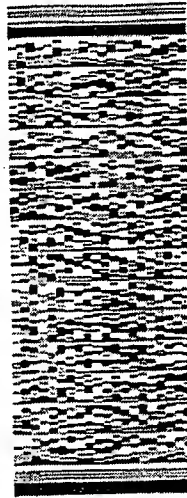
Delivery Address Bar Code

BILL SENDER

SHIP TO (901)344-0785  
Viet A. Nguyen

458 Sablo

Rancho Santa Margari, CA 92688



STANDARD OVERNIGHT

WED

Collect By:  
25JUL05

1 CRAT  
07/01

TRK# 7900 9052 7944

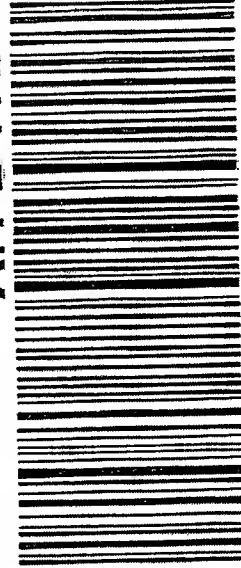
LGB

A2

92688 -CA-US

RES

XH DTHA



REV 05/04 10

© 2004 FedEx 158396 REV-10/04 BP

20000105

## **EXHIBIT E**

Track Shipments  
Detailed Results[? Quick Help](#)

Tracking number 790090527944  
 Ship date Jul 20, 2005  
 Reference 55643  
 Destination Rancho Santa Margarita, CA  
 Service type Standard Envelope  
 Weight 0.5 lbs.

Status Delivery exception.

Date/Time	Activity	Location	Details
Jul 22, 2005	12:08 PM Package returned to shipper	IRVINE, CA	Return tracking number: <a href="#">792981649407</a>
Jul 21, 2005	8:27 AM At local FedEx facility	IRVINE, CA	Incorrect address
	5:10 PM At local FedEx facility	IRVINE, CA	
	10:57 AM Delivery exception	IRVINE, CA	
	8:26 AM On FedEx vehicle for delivery	IRVINE, CA	
Jul 20, 2005	7:33 AM At local FedEx facility	IRVINE, CA	
	4:02 AM Arrived at FedEx location	LOS ANGELES, CA	
	5:20 AM Departed FedEx location	MEMPHIS, TN	
	1:43 AM Departed FedEx location	MEMPHIS, TN	
	12:45 AM Arrived at FedEx location	MEMPHIS, TN	
	12:33 AM Left origin	MEMPHIS, TN	
Jul 20, 2005	5:17 PM Picked up	MEMPHIS, TN	
Jul 19, 2005	3:52 PM Package data transmitted to FedEx		

Signature proof

Email results

Track more shipments

Subscribe to tracking updates (optional)

Your Name:

Your Email Address:

Email address

Language

Exception updates

Delivery updates

English

English

English

English

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

☐ By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

**EXHIBIT F**

FedEx | Ship Manager | Label 7929 8164 9407

From: Origin ID (800)461-4335  
Galen Geyer  
FedEx  
7000 Saratoga Place  
Irvine, CA 92618

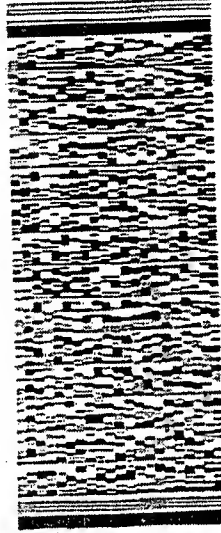
FedEx  
Express



SHIP TO: (901)344-1634  
SABRINA CHAMBERS  
MEDTRONIC  
1800 PYRAMID PLACE

BILL RECIPIENT

MEMPHIS, TN 38132



Ship Date: 22JUL05  
Actual Wgt: 11.9  
System: 3730275:INE17200  
Account: S  
REF: RTS 790000527244



Delivery Address Bar Code

STANDARD OVERNIGHT

MON

Carrier Bx  
25JUL05

TRK# 7929 8164 9407

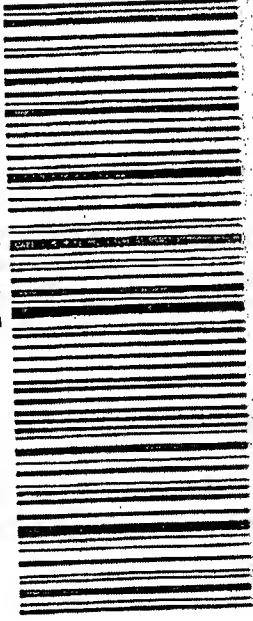
FCM  
0301

MEM

A1

38132 .IN.US

XH ARGA



## **EXHIBIT G**



Track Shipments  
Detailed Results[? Quick Help](#)Tracking number  
Signed for by  
Ship date  
Delivery date792981649407  
B.JACQUEZ  
Jul 22, 2005  
Jul 25, 2005 10:08 AMReference  
Destination  
Delivered to  
Service type  
WeightRTS 790090527944  
MEMPHIS, TN  
Mailroom  
Standard Envelope  
0.5 lbs.

Status Delivered

Date/Time	Activity	Location	Details
Jul 25, 2005	10:08 AM Delivered	MEMPHIS, TN	
	8:17 AM On FedEx vehicle for delivery	MEMPHIS, TN	
Jul 23, 2005	8:46 AM At local FedEx facility	MEMPHIS, TN	
	6:53 AM At local FedEx facility	MEMPHIS, TN	Package not due for delivery
	6:45 AM At local FedEx facility	MEMPHIS, TN	Package not due for delivery
	6:45 AM At local FedEx facility	MEMPHIS, TN	Package not due for delivery
	5:37 AM On FedEx vehicle for delivery	MEMPHIS, TN	
	5:33 AM At local FedEx facility	MEMPHIS, TN	
	2:09 AM Departed FedEx location	MEMPHIS, TN	
	12:41 AM Arrived at FedEx location	MEMPHIS, TN	
Jul 22, 2005	6:53 PM Left origin	IRVINE, CA	
	2:01 PM Package data transmitted to FedEx		
	12:12 PM Picked up	IRVINE, CA	

Signature proof

Email results

Track more shipments

Subscribe to tracking updates (optional)

Your Name:

Your Email Address:

Email address

Language

Exception updates

Delivery updates

English

English

English

English

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

## **EXHIBIT H**

FedEx | Ship Manager | Label 7905 8756 4648

From: Origin ID: (901)344-1534  
Sabrina Chambers  
Medtronic  
1800 pyramid place  
Memphis, TN 38132

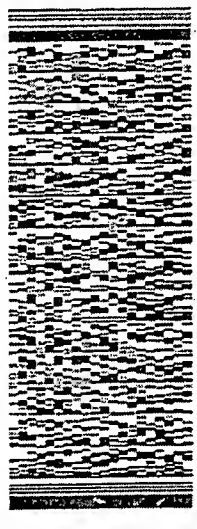


SHIP TO: (901)344-0785

Frank Nguyen

458 Sable

Rancho Santa Margari, CA 92688



TO RETURN SABRINA CHAMBERS

MEDTRONIC  
1800 PYRAMID PLACE

MEMPHIS, TN 38132

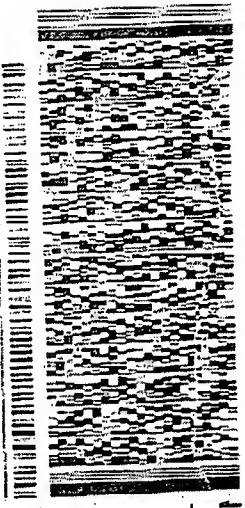
FedEx  
Express



SHIP DATE: 25 JUL 05  
Actual Del: 13 LA MRH  
SYSTEM: 590721:CAFE226:  
Account: S 206695889

ORIGIN ID: WZJA 10601 463-3330  
CUSTOMER SERVICE  
FEDEx  
7000 BARRACCA PARKWAY  
IRVINE, CA 92610  
UNITED STATES US

REF: 790587564648



Delivery Address  
Barcode

BILL RECIPIENT

STAT

TRK#

926

WED

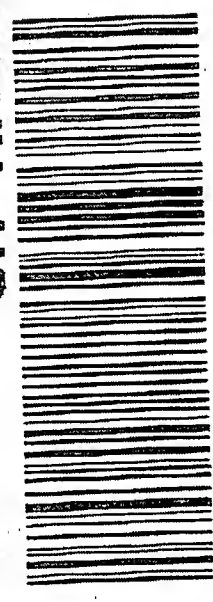
Deliver By  
03AUG05

MEM A1

EXPRESS SAVER PACKAGE

Form 920:  
TRK# 6590 6453 8875

38132 -TN-US SA ARGA



926132

Federal Express Corporation

155476  
155475  
155475125  
155475150  
REV 0524 RT

100%  
Recycled  
Paperboard

## **EXHIBIT I**

Track Shipments  
Detailed Results[? Quick Help](#)

Tracking number 790587564648  
 Ship date Jul 25, 2005  
 Reference 55643  
 Destination Rancho Santa Margarita, CA  
 Service type Standard Envelope  
 Weight 0.5 lbs.

Status Delivery exception

Date/Time	Activity	Location	Details
Jul 29, 2005 2:36 PM	Package returned to shipper	IRVINE, CA	Return tracking number: <u>659064538875</u>
Jul 28, 2005 8:42 AM	At local FedEx facility	IRVINE, CA	
Jul 27, 2005 7:52 AM	At local FedEx facility	IRVINE, CA	
Jul 26, 2005 6:14 PM	At local FedEx facility	IRVINE, CA	
11:13 AM	Delivery exception	IRVINE, CA	Incorrect address
8:08 AM	On FedEx vehicle for delivery	IRVINE, CA	
7:16 AM	At local FedEx facility	IRVINE, CA	
5:27 AM	Departed FedEx location	LOS ANGELES, CA	
1:26 AM	Departed FedEx location	MEMPHIS, TN	
12:49 AM	Arrived at FedEx location	MEMPHIS, TN	
12:23 AM	Left origin	MEMPHIS, TN	
Jul 25, 2005 9:38 PM	Picked up	MEMPHIS, TN	
12:03 PM	Package data transmitted to FedEx		

Signature proof

Email results

Track more shipments

Subscribe to tracking updates (optional)

Your Name:

Your Email Address:

Email address

Language

Exception updates

Delivery updates

	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

☐ By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

## **EXHIBIT J**

Track Shipments  
Detailed Results[? Quick Help](#)

Tracking number	659064538875	Reference	790587564648
Signed for by	R.BUNNELL	Destination	MEMPHIS, TN
Ship date	Jul 29, 2005	Delivered to	Mailroom
Delivery date	Aug 1, 2005 9:46 AM	Service type	Express Saver Envelope
		Weight	0.5 lbs.

Status Delivered

Date/Time	Activity	Location	Details
Aug 1, 2005	9:46 AM Delivered	MEMPHIS, TN	
	8:08 AM On FedEx vehicle for delivery	MEMPHIS, TN	
	6:04 AM At local FedEx facility	MEMPHIS, TN	
Jul 31, 2005	8:20 PM Departed FedEx location	MEMPHIS, TN	
	3:30 PM In transit	MEMPHIS, TN	
	11:04 AM Departed FedEx location	MEMPHIS, TN	
Jul 30, 2005	8:14 AM Departed FedEx location	LOS ANGELES, CA	
Jul 29, 2005	8:19 PM Left origin	IRVINE, CA	
	6:21 PM Package data transmitted to FedEx		
	3:14 PM Picked up	IRVINE, CA	

[Signature proof](#)[Email results](#)[Track more shipments](#)

Subscribe to tracking updates (optional)

Your Name:

Your Email Address:

Email address

Language

Exception updates

Delivery updates

English

English

English

English

Select format: ☒ HTML ☐ Text ☐ Wireless

Add personal message:

Not available for Wireless or non-English characters.

☐ By selecting this check box and the Submit button, I agree to these [Terms and Conditions](#)

Submit

**ATTACHMENT B**





HUNTON & WILLIAMS LLP  
1900 K STREET, N.W.  
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500  
FAX 202 • 778 • 2201

October 25, 2005

YISUN SONG  
DIRECT DIAL: 202-955-1966  
EMAIL: ysong@hunton.com

FILE NO: 64118.000192

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Frank Nguyen  
1995 E. Coalton Road, #77  
Superior, CO 80027

Re: U.S. Patent Application No. 10/534,055  
National Phase of PCT/US03/09285  
Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

Dear Frank:

Enclose for your execution is the Declaration and Power of Attorney for use in connection with the above-identified patent application. Please return the signed document to us at your earliest convenience, so that we may file it with the U.S. Patent and Trademark Office (Patent Office) by the next deadline, **November 25, 2005**. Please note that the final deadline to respond is February 25, 2006. However, to avoid the payment of additional extension fees, please let me know if you will not be able to return the Declaration to us by the November 25, 2005 due date.

We are also enclosing for your convenience, a copy of the patent application as filed with the U.S. Patent Office on May 6, 2005.

If you have any questions, please feel free to call at your convenience.

Very best regards,

Yisun Song

YS/vrp  
Enclosures

cc: Tyler Maddry (w/o encls.)

**ATTACHMENT C**

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

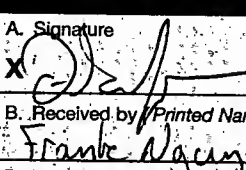
**OFFICIAL USE**

Postage	\$ 5.40
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 9.45</b>

Postmark Here **10/29/05**

Sent To **Mr. Frank Nguyen**  
 Street, Apt. No.,  
 or PO Box No. **1995 E. Coalton Road, #77**  
 City, State, ZIP+4 **Superior, CO 80027**

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature </p> <p>B. Received by (Printed Name) <b>Frank Nguyen</b></p> <p>C. Date of Delivery <b>10/29/05</b></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><b>Mr. Frank Nguyen</b>  <b>1995 E. Coalton Road</b>  <b>Superior, CO 80027</b></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label) <b>76</b></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540</p>	